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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,408	02/20/2004	Jon-David Kehoe	60,427-619; 2004P02737US	6352
24500	7590	05/26/2005	EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			PHAM, MINH CHAU THI	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/783,408

Applicant(s)

KEHOE ET AL.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 and 19-26 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Bassi ((4,386,949), Mailey (5,333,965) and Hill (5,628,533).

Bassi teaches a connector for an air filter to an automobile (col. 1, lines 5-6) comprising cylindrical sleeve (1) projecting from the bottom wall (2) of the filter housing, an attachment member with a cylindrical body portion (see 31 in Fig. 2) and a retention member (11) with a plurality of flanges (see 7-10 in Fig. 2) and spaced apart from one another and extending out radially from the cylindrical body portion upon snap-fit connection (see Fig. 3) (col. 2, line 22 through col. 3, line 11, col. 3, lines 38-54).

Mailey teaches an integrally molded as part of a plastic member which is being fastened to another member (see Abstract) having a sleeve (25) projecting from the bottom wall (24), an attachment member with a protruding body portion (see 25 in Fig. 1) and a retention member (26) with a plurality of flanges (see 20 & 22 in Fig. 1) and spaced apart from one another and extending out from the body portion upon snap-fit connection (see col. 2, lines 46-67, col. 3, lines 23-43, col. 4, lines 6-26).

Hill teaches a mechanism for releasably connecting two components having an attachment including a body portion (42) having a retention member (44) with a plurality

of flanges (47) spaced apart from each other and extending out radially from the body portion (42) (see Fig. 1, col. 3, lines 18-29 and line 66 through col. 4, line 16).

Regarding to the shape of the body portion to be "cylindrical" or the shape of the flanges having "arcuate" surface, it is well settled that mere change of shape without affecting the function of the part would have been an obvious design modifications. See Eskimo Pie Corp v. Levous et al 3 USPQ 23.

### ***Response to Amendment***

Applicant's arguments filed on February 18, 2005 have been fully considered but they are not persuasive.

Applicant argues that the cited reference "Stass and the subject application are both subject to an obligation of assignment to the same entity and Stass is not a proper cited reference against the claims". The Examiner now drops Stass reference and newly introduces any one of Bassi (4,386,949), Mailey (5,333,965) and Hill (5,628,533) as prior art to show: Bassi teaches a connector for an air filter to an automobile (col. 1, lines 5-6) comprising cylindrical sleeve (1) projecting from the bottom wall (2) of the filter housing, an attachment member with a cylindrical body portion (see 31 in Fig. 2) and a retention member (11) with a plurality of flanges (see 7-10 in Fig. 2) and spaced apart from one another and extending out radially from the cylindrical body portion upon snap-fit connection (see Fig. 3) (col. 2, line 22 through col. 3, line 11, col. 3, lines 38-54), as claimed. Mailey teaches an integrally molded as part of a plastic member which is being fastened to another member (see Abstract) having a sleeve (25) projecting from the bottom wall (24), an attachment member with a protruding body portion (see 25 in

Fig. 1) and a retention member (26) with a plurality of flanges (see 20 & 22 in Fig. 1) and spaced apart from one another and extending out from the body portion upon snap-fit connection (see col. 2, lines 46-67, col. 3, lines 23-43, col. 4, lines 6-26), as claimed. Hill teaches a mechanism for releasably connecting two components having an attachment including a body portion (42) having a retention member (44) with a plurality of flanges (47) spaced apart from each other and extending out radially from the body portion (42) (see Fig. 1, col. 3, lines 18-29 and line 66 through col. 4, line 16), as claimed.

Applicant's arguments with respect to claims 1-12 and 19-26 have been considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Minh-Chau Pham**  
**Patent Examiner**  
**Art Unit : 1724**  
**May 27, 2005**